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Special Master

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUKE D. BRUGNARA,

Defendant.

Case Nos. CR 08-0306 WHA
CR 14-0306 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER RE SPECIAL MASTER'S
DOCUMENT REVIEW AND
PRODUCTION**

On September 16, 2014, United States District Court Judge William Alsup appointed Ed Swanson to serve as special master to review, *in camera*, communications dated April 1 through May 27, 2014 between defendant and any attorneys, and to take certain further actions if directed by the Court. The communications consist of (1) documents that are in the government's possession and (2) documents that were returned to the Court pursuant to subpoenas issued to defendant's former attorneys. The Court ordered Mr. Swanson to determine which documents are covered by the attorney-client privilege, to produce to both parties any non-privileged communications, to segregate to the extent possible attorney-client privileged material by subject matter, and to be prepared to produce to the Court and the parties within one business day all privileged communications, should the Court so order.¹

¹ The order instructed the production of non-privileged communications to occur by September 30, 2014. However, subsequent to the order, the then-current trial date of October 22, 2014, was

Subsequent to the issuance of the order, the parties and Mr. Swanson communicated about the logistics of the document review and production. After consultation, the parties and the special master hereby stipulate as follows:

1) Mr. Swanson shall receive from the Court the documents that were obtained from defendant's former attorneys pursuant to subpoena. Mr. Swanson will have a Bates-stamped copy made of those documents, and he will return the originals to the Court. Mr. Swanson will also have a Bates-stamped copy made of the documents that were in the government's possession and have already been produced to him.

2) In reviewing the documents described in paragraph 1, Mr. Swanson will segregate documents that contain communications related to the charges in case CR 14-0306 WHA (the "responsive documents") from those that do not contain communications related to those charges (the "non-responsive documents"). Mr. Swanson will not produce to the parties the non-responsive documents.

3) Mr. Swanson will determine which of the responsive documents contain attorney-client privileged material and which do not.

4) Within three court days of receiving from the Court the documents that were obtained by subpoena, Mr. Swanson will produce to Mr. Babcock a copy of the responsive documents that Mr. Swanson determines do not contain attorney-client privileged material. Within three court days of receiving those documents from Mr. Swanson, Mr. Babcock will determine whether he believes any of the documents contain attorney-client privileged communications. If so, Mr. Babcock will identify those documents to Mr. Swanson, and Mr. Swanson will submit them to the Court for the Court to determine whether they contain privileged information. Mr. Swanson will then produce all other responsive, non-privileged documents to the parties.

continued to October 29, 2014, and then to January 5, 2015. As a result of the continuance of the trial date, the parties agreed to a later production of the non-privileged communications.

1 5) Mr. Swanson will retain any responsive, privileged documents and will be
2 prepared to produce them to the Court within one business day of a Court order, pursuant to
3 paragraph 8 of the September 16, 2014 order.

4 IT IS SO STIPULATED.

5 Dated: December 9, 2014

_____/s/_____
Edward W. Swanson
Special Master

8 Dated: December 9, 2014

_____/s/_____
Erik Babcock
Counsel for Luke Brugnara

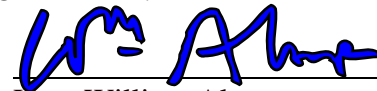
11 Dated: December 9, 2014

_____/s/_____
W. Douglas Sprauge
Assistant United States Attorney

19 **ORDER**

20 PURSUANT TO STIPUATION, IT IS SO ORDERED.

21 Dated: December 11, 2014.



Hon. William Alsup
United States District Court